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Hiroyuki Kondo

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EXAMINER

DAZENSKI, MARC A

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/521,751	<b>Applicant(s)</b> KONDO ET AL.	
	<b>Examiner</b> MARC DAZENSKI	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-6, 9-10, and 12-21 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 10, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde, Jr. et al (US Patent 7,218,839), hereinafter referred to as Plourde, in view of LaJoie et al (US Patent 5,850,218), hereinafter referred to as LaJoie, in view of Gunji et al (US Patent 7,212,725), hereinafter referred to as Gunji, in view of Miura et al (US Patent 7,188,356), hereinafter referred to as Miura.

Regarding **claim 1**, Plourde discloses management of television presentation recordings. Further, Plourde discloses a digital home communications terminal (or "DHCT") (200) that also includes a personal video recorder (or "PVR") storage unit (290) for recording television presentations, the user for example scheduling the recording of a television presentation by using the number pad to provide the necessary scheduling information while being presented with a banner or screen for scheduling the recording

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of a television presentation, which reads on the claimed, "an information recording/reproduction apparatus for performing a preprogrammed recording (i) of information distributed at a predetermined time from a predetermined distribution source (ii) to an information recording medium, and (iii) based on information indicating preprogrammed recording settings determined before the predetermined time of distribution," as disclosed at column 4, lines 19-21 and column 10, lines 7-16; the apparatus comprising:

a PVR timer screen (900) that illustrates how PVR timer settings may be edited by a user, including day, time, channel, and preference, which reads on the claimed, "preprogrammed recording reception means for receiving, as the information indicating the preprogrammed recording settings, a date of distribution, a time of distribution, an identification of a distribution source of the distributed information, and an identification of the information recording medium for performing the preprogrammed recording of the distributed information," as disclosed at column 10, lines 48-50 and exhibited in figure 9;

DHCT (200) which includes one processor (240) for controlling operations of the DHCT, and which further includes PVR storage unit (290) which may incorporate electronic, magnetic, optical, and/or other types of storage media for storing audio-visual data corresponding to television presentations, the PVR timer settings being used to record the television presentations, which reads on the claimed, "recording control means for causing the distributed information to be recorded on the information recording medium, the distributed information being recorded based on the received information indicating the preprogrammed recording settings," as disclosed at column 3,

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lines 63-65; column 4, lines 20-27; and column 10, lines 14-16 as well as exhibited in figures 7-9.

However, Plourde fails to disclose displaying control means for incorporating the received information indicating the preprogrammed recording settings into a two-dimensional matrix defined by the date of distribution, the time of distribution...and for displaying on a displaying unit a display screen indicating the two-dimensional matrix having incorporated therein the information indicating the preprogrammed recording settings, wherein, when a plurality of pieces of the information indicating the preprogrammed recording settings are incorporated into the two-dimensional matrix, the plurality of pieces of the information indicating the preprogrammed recording settings are respectively incorporated into the plurality of divided areas of the two-dimensional matrix based on the respective date of distribution...indicated by a respective piece of the information indicating the preprogrammed recording settings. The examiner maintains that it was well known in the art to include the missing limitations as taught by LaJoie.

In a similar field of endeavor, LaJoie discloses interactive program guide with default selection control. Further, LaJoie discloses graphics subsystem (46) which produces graphic images, including displaying of the all timers setting of the general setting menu, which displays a list (325) of type (324), day (326), date (330), time (332), channel number (334) and channel call sign (336) for each active timer in set-top terminal (6) to be displayed, which reads on the claimed, "displaying control means for incorporating the received information indicating the preprogrammed recording settings

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into a two-dimensional matrix defined by the date of distribution, and the time of distribution...and for displaying on a displaying unit a display screen indicating the two-dimensional matrix having incorporated therein the information indicating the preprogrammed recording settings, wherein, when a plurality of pieces of the information indicating the preprogrammed recording settings are incorporated into the two-dimensional matrix, the plurality of pieces of the information indicating the preprogrammed recording settings are respectively incorporated into the plurality of divided areas of the two-dimensional matrix based on the respective date of distribution...indicated by a respective piece of the information indicating the preprogrammed recording settings,” as disclosed at column 14, lines 46-56; column 22, lines 46-53; and exhibited in figure 14.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the management of television presentation recordings of Plourde to include graphics subsystem (46) which produces graphic images, including displaying of the all timers setting of the general setting menu, which displays a list (325) of type (324), day (326), date (330), time (332), channel number (334) and channel call sign (336) for each active timer in set-top terminal (6) to be displayed, as taught by LaJoie, for the purpose of visually conveying to a user information regarding multiple simultaneous preprogrammed event settings.

The combination of Plourde and LaJoie fails to disclose the two-dimensional is defined by a plurality of different information recording mediums capable of having multiple video recordings simultaneously recorded thereto, the plurality of information

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recording mediums including the identified information recording medium. The examiner maintains it was well known to include the missing limitations, as taught by Gunji.

In a similar field of endeavor, Gunji discloses a recording/reproducing apparatus and picture recording reservation method of recording/reproducing apparatus. Further, Gunji discloses picture recording reservation input screen which shows multiple recording destinations including DVD and HDD, wherein the recording, reproducing processes for the hard disk, optical disk are performed in a time sharing fashion, which reads on the claimed, "the two-dimensional is defined by a plurality of different information recording mediums capable of having multiple video recordings simultaneously recorded thereto, the plurality of information recording mediums including the identified information recording medium," as disclosed at column 8, lines 23-34 and exhibited in figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde and LaJoie to include picture recording reservation input screen which shows multiple recording destinations including DVD and HDD, wherein the recording, reproducing processes for the hard disk, optical disk are performed in a time sharing fashion, as taught by Gunji, for the purpose of making more effective use of an available recording capacity.

The combination of Plourde, LaJoie, and Gunji fails to disclose the two-dimensional matrix having a plurality of divided areas, each divided area of the plurality of divided areas having a respective date of distribution assigned thereto, such that

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each divided area of the plurality of divided areas represents the respective date of distribution assigned thereto...the respected date of distribution represented by each respective divided area of the plurality of divided areas. The examiner maintains it was well known in the art to include the missing limitations, as taught by Miura.

In a similar field of endeavor, Miura discloses a system for and method of transmitting and receiving program, center device, and terminal device. Further, Miura discloses a screen of "Date Specification Grid Type" displaying multiple programs and their date/time of distribution, which reads on the claimed, "the two-dimensional matrix having a plurality of divided areas, each divided area of the plurality of divided areas having a respective date of distribution assigned thereto, such that each divided area of the plurality of divided areas represents the respective date of distribution assigned thereto...the respected date of distribution represented by each respective divided area of the plurality of divided areas," as exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, and Gunji to include a screen of "Date Specification Grid Type" displaying multiple programs and their date/time of distribution, as taught by Miura, for the purpose of clearly indicating to a viewer a plurality of available programs in an EPG.

Regarding **claim 10**, the combination of Plourde, LaJoie, Gunji, and Miura disclose everything claimed as applied above (see claim 1). Further, Plourde discloses a Future Program Options screen (800) that may be presented to a user after the user selects the recording option (703), which reads on the claimed, "when the programmed



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recording reception means receives the information indicating the preprogrammed recording settings, the displaying control means causes the display unit to display the display screen," as disclosed at column 10, lines 37-39 and exhibited in figure 8 (where "presented to a user" reads on the claimed, "pop-up displayed").

Regarding **claim 12**, the combination of Plourde, LaJoie, Gunji, and Miura disclose everything claimed as applied above (see claim 1). Further, Plourde discloses a guide key (380) which may be used to access a television program guide such as, for example, IPG (500), which reads on the claimed, "electronic program table shifting means for shifting to an electronic program table," as disclosed at column 7, lines 14-16 and exhibited in figure 3; and PVR key (395) which may be used to request a list of PVR recordings, and number pad (350) which allows a user to schedule the recording of a television presentation, which reads on the claimed, "electronic program table data setting means for allowing a setting content in an electronic program table to be reflected by executing a preprogrammed selection, and for allowing information data indicating one or more of a program title and stereo in the electronic program table, to be set and recorded," as disclosed at column 7, lines 16-18; column 10, lines 9-12; and exhibited in figure 3.

**Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde, in view of LaJoie, in view of Gunji, in view of Miura, in view of Beach et al (US Patent Publication 2004/0013409), hereinafter referred to as Beach.

Regarding **claim 2**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination

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fails to disclose further comprising a preprogramming setting redundancy displaying means for, when two pieces of the information indicating the preprogrammed recording settings are redundant with respect to a portion of the date of distribution and the time of distribution, displaying an alarm showing that the two pieces information indicating the preprogrammed recording settings are redundant. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Beach.

In a similar field of endeavor, Beach discloses a smart broadcast program recording padding and scheduling system. Beach further discloses a scheduler that indicates to the viewer that a conflict has occurred (1601) for a scheduled program, which reads on the claimed, "further comprising a preprogramming setting redundancy displaying means for, when two pieces of the information indicating the preprogrammed recording settings are redundant with respect to a portion of the date of distribution and the time of distribution, displaying an alarm showing that the two pieces information indicating the preprogrammed recording settings are redundant," as disclosed at paragraph [0247] and exhibited in figure 16 (wherein "indicates to the viewer" reads on "displaying an alarm").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include a scheduler that indicates to the viewer that a conflict has occurred (1601) for a scheduled program, as taught by Beach, for the purpose of reducing the likelihood that a recording conflict will go unresolved by the user.

Regarding **claim 3**, the combination discloses everything claimed as applied above (see claim 2). Further, Plourde discloses colors (401)-(405) that are used in an interactive program guide (or "IPG") listing to signify a characteristic of a corresponding television presentation, specifically third color (403) that may be included in an IPG listing to signify that the listed program has a recording time conflict, which reads on the claimed, "wherein the preprogramming setting redundancy displaying means causes the alarm to be displayed by altering one of a display design and a displaying color," as disclosed at column 8, lines 12-14 and lines 25-29.

Regarding **claim 4**, the combination discloses everything claimed as applied above (see claim 3). Further, the limitations of the claim are rejected based on the explanation set forth in claim 2 above.

**Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde, in view of LaJoie, in view of Gunji, in view of Miura, in view of Young et al (US Patent 6,498,895), hereinafter referred to as Young.

Regarding **claim 5**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising executing preprogrammed recording setting displaying means for displaying, from among the pieces of the information indicating the preprogrammed recording settings, any preprogrammed recording setting having a preprogramming recording that is under execution, in order to distinguish any preprogrammed recording setting having a preprogrammed recording that is not under execution from the preprogramming recording that is under construction. The examiner

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maintains that it was well known in the art to include the missing limitations, as taught by Young.

In a similar field of endeavor, Young discloses a user interface for television schedule system. Young further discloses recording status representations, including if a cell is actively being recorded, the outline (40) will blink off and on, which reads on the claimed, "further comprising executing preprogrammed recording setting displaying means for displaying, from among the pieces of the information indicating the preprogrammed recording settings, any preprogrammed recording setting having a preprogramming recording that is under execution, in order to distinguish any preprogrammed recording setting having a preprogrammed recording that is not under execution from the preprogramming recording that is under construction," as disclosed at column 5, lines 45-46 and exhibited in figures 2 and 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include recording status representations, including if a cell is actively being recorded, the outline (40) will blink off and on, as taught by Young, for the purpose of presenting supplemental program recording information in a manner that obscures a minimum amount of other information.

Regarding **claim 6**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising a completed preprogrammed recording setting displaying means for displaying, from among the pieces of the information indicating the

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preprogrammed recording settings, any preprogrammed recording setting having a preprogrammed recording that is completed, in order to distinguish any preprogrammed recording setting having a preprogrammed recording that is not completed from the preprogramming recording that is completed. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Young.

In a similar field of endeavor, Young discloses a user interface for television schedule system. Young further discloses recording status representations, including a recorded cell will be displayed with a solid red background (42), which reads on the claimed, "a completed preprogrammed recording setting displaying means for displaying, among the preprogrammed recording settings, any preprogrammed recording setting whose preprogrammed recording is completed so as to be distinguishable from any preprogrammed recording setting whose preprogrammed recording is not completed," as disclosed at column 5, lines 47-48.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include recording status representations, including a recorded cell will be displayed with a solid red background (42), as taught by Young, for the purpose of presenting supplemental program recording information in a manner that obscures a minimum amount of other information.

**Claims 9, 13-14, 17, and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde, in view of LaJoie, in view of Gunji, in view of Miura, in view of Akamatsu et al (US Patent 7,224,886), hereinafter referred to as Akamatsu.

Regarding **claim 9**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising automatic preprogrammed recording setting changing means for, in response to an alteration of the time of distribution, altering the information indicating the preprogrammed recording setting by automatically finding an optimum recording control means. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Akamatsu.

In a similar field of endeavor, Akamatsu discloses a method of using AV devices and AV device system. Further, Akamatsu discloses a program (1510) that starts to be broadcast behind time and a screen example (1600) that is displayed on monitor (120), the timer reservation section (104) changes the reservation time (202) in the reservation data (200) for the reserved program (1510) and deletes the reservation data (200) for the subsequently reserved program (1520), which reads on the claimed, "further comprising automatic preprogrammed recording setting changing means for, in response to an alteration of the time of distribution, altering the information indicating the preprogrammed recording setting by automatically finding an optimum recording control means," as disclosed at column 15, lines 55-56; column 15, line 64 through column 16, line 2; and exhibited in figure 16.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji and Miura to include a program (1510) that starts to be broadcast behind time and a screen example (1600) that is displayed on monitor (120), the timer reservation section (104)

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changes the reservation time (202) in the reservation data (200) for the reserved program (1510) and deletes the reservation data (200) for the subsequently reserved program (1520), as taught by Akamatsu, for the purpose of avoiding premature termination of a programmed recording due to a delay in broadcast time.

Regarding **claim 13**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising automatic preprogrammed recording setting generation means for selecting an optimum recording control means for information indicating a new preprogrammed recording setting, the selection being based on information indicating an existing preprogrammed recording setting related to the information recording medium. The examiner maintains that it was well known to include the missing limitations, as taught by Akamatsu.

In a similar field of endeavor, Akamatsu discloses a method of using AV devices and AV device system. Further, Akamatsu discloses related device ID (2330) which is an identifier of a related device operatively interlocked for reservation execution, the related recording devices inquired as to whether the designated reserved time is available for use, and extracting any one of them available for use, which reads on the claimed, "further comprising automatic preprogrammed recording setting generation means for selecting an optimum recording control means for information indicating a new preprogrammed recording setting, the selection being based on information indicating an existing preprogrammed recording setting related to the information recording medium," as disclosed at column 19, lines 39-40 and column 20, lines 35-38.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Plourde, LaJoie, Gunji, and Miura to include related device ID (2330) which is an identifier of a related device operatively interlocked for reservation execution, the related recording devices inquired as to whether the designated reserved time is available for use, and extracting any one of them available for use, as taught by Akamatsu, for the purpose of determining which recording devices connected to a network are available for recording.

Regarding **claim 14**, the combination discloses everything claimed as applied above (see claim 13). Further, Plourde discloses DHCT (200) connected to network (130), which reads on the claimed, "wherein the optimum recording control means is connected to a network," as exhibited in figure 1.

Regarding **claim 17**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising preprogrammed recording setting changing means for diverting, when the distributed information is incapable of being recorded properly, a recording destination of the distributed information to another video recording device medium or to a medium of another device. The examiner maintains that it was well known to include the missing limitations, as taught by Akamatsu.

In a similar field of endeavor, Akamatsu discloses a method of using AV devices and AV device system. Further, Akamatsu discloses in the case where the recording medium is set short of capacity, a warning screen (200) is displayed, which displays a selection item (3202) prompting the operator to select other recording device, which



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reads on the claimed, "further comprising preprogrammed recording setting changing means for diverting, when the distributed information is incapable of being recorded properly, a recording destination of the distributed information to another video recording device medium or to a medium of another device," as disclosed at column 22, lines 52-59.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include where the recording medium is set short of capacity, a warning screen (200) is displayed, which displays a selection item (3202) prompting the operator to select other recording device, as taught by Akamatsu, for the purpose of conveying to a user when a different recording device or medium needs to be selected in order to successfully complete the recording.

Regarding **claim 20**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising: remaining capacity detection means for detecting a recordable capacity of the information recording medium; and recording capability determining means for displaying an alarm indicating a recording incapability when the detected capacity falls short of a recording time specified by the information indicating the preprogramming settings. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Akamatsu.

In a similar field of endeavor, Akamatsu discloses a method of using AV devices and AV device system. Further, Akamatsu discloses the capacity of the recording

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medium being checked and in the case where the recording medium set is short of capacity, the warning screen (200) is displayed, which reads on the claimed, “further comprising: remaining capacity detection means for detecting a recordable capacity of the information recording medium; and recording capability determining means for displaying an alarm indicating a recording incapability when the detected capacity falls short of a recording time specified by the information indicating the preprogramming settings,” as disclosed at column 22, lines 41-43 and lines 52-53, and exhibited in figure 32.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include the capacity of the recording medium being checked and in the case where the recording medium set is short of capacity, the warning screen (200) is displayed, as taught by Akamatsu, for the purpose of conveying to a user when a different recording device or medium needs to be selected in order to successfully complete the recording.

Regarding **claim 21**, the combination discloses everything claimed as applied above (see claim 20). Akamatsu further discloses a selection item (3203) prompting the operator to record in other recording device after completely recording to the end of the tape or the disk, which reads on the claimed, “further comprising preprogrammed recording optimizing means for, when the detected capacity falls short of the recording time specified by the information indicating the preprogramming settings, setting preprogrammed recordings up to a limit of recording that is possible using the detected capacity,” as disclosed at column 22, lines 57-59 (where “completely recording to the

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end” reads on "setting preprogrammed recordings up to a limit of recording that is possible using the detected capacity").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include a selection item (3203) prompting the operator to record in other recording device after completely recording to the end of the tape or the disk, as taught by Akamatsu, for the purpose of utilizing any residual capacity of a recording medium.

**Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde, in view of LaJoie, in view of Gunji, in view of Miura, in view of Hanai et al (US Patent 7,134,136), hereinafter referred to as Hanai.

Regarding **claim 15**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising automatic recording resetting means for reconstructing the information indicating preprogrammed recording settings, in order to optimize a constraint on hardware arising from a combination of the information recording medium and the recording control means. The examiner maintains that it was well known to include the missing limitations, as taught by Hanai.

In a similar field of endeavor, Hanai discloses a transmit device and method thereof, record/play device and method thereof as well as recording system and media. Further, Hanai discloses when the user specifies another record media from among the record media (92-1) through (92-N) in step S18, the process then proceeds to step S19 and the control CPU (108) determines whether or not there is available capacity in the

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record media (in this case, record media (1)) re-specified by the user, and when determined that there is available capacity in a record media specified again by the user, the process proceeds to step S17 and the control CPU (108) schedules the program data specified in step S1 of FIG.6 for the record media (in this case, record media (1)) specified in step S18, which reads on the claimed, "further comprising automatic recording resetting means for reconstructing the information indicating preprogrammed recording settings, in order to optimize a constraint on hardware arising from a combination of the information recording medium and the recording control means," as disclosed at column 8, lines 10-19 and exhibited in figures 6, 7, and 8.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include when the user specifies another record media from among the record media (92-1) through (92-N) in step S18, the process then proceeds to step S19 and the control CPU (108) determines whether or not there is available capacity in the record media (in this case, record media (1)) re-specified by the user, and when determined that there is available capacity in a record media specified again by the user, the process proceeds to step S17 and the control CPU (108) schedules the program data specified in step S1 of FIG.6 for the record media (in this case, record media (1)) specified in step S18, as taught by Hanai, for the purpose of ensuring that a previously preprogrammed recording is successfully recorded despite a change in recording settings.

Regarding **claim 16**, the combination discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 15 above.

**Claims 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde, in view of LaJoie, in view of Gunji, in view of Miura, in view of Kobb (US Patent 7,356,246), hereinafter referred to as Kobb.

Regarding **claim 18**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising menu means for performing one of a reproduction, a deletion, and a dubbing of distributed information having preprogrammed recording completed. The examiner maintains that it was well known to include the missing limitations, as taught by Kobb.

In a similar field of endeavor, Kobb discloses a method and system for extending recording. Further Kobb discloses a user using the Recorded Programs UI (600) to direct the DVR (100) to play one of the recorded programs, which reads on the claimed, " further comprising menu means for performing one of a reproduction, a deletion, and a dubbing of distributed information having preprogrammed recording completed," as disclosed at column 7, lines 49-50.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include using the Recorded Programs UI (600) to direct the DVR (100) to play

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one of the recorded programs, as taught by Kobb, for the purpose of providing a user with a graphical means with which to select a recorded program for reproduction.

Regarding **claim 19**, the combination of Plourde, LaJoie, Gunji, and Miura discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose further comprising menu means for enabling simultaneous recording and reproduction of distributed information having preprogrammed recording under execution. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Kobb.

In a similar field of endeavor, Kobb discloses a method and system for extending recording. Further Kobb discloses a DVR (100) that can simultaneously record and play back video signals, and in addition allows a user to view a program as it is being recorded, which reads on the claimed, “further comprising menu means for enabling simultaneous recording and reproduction of distributed information having preprogrammed recording under execution,” as disclosed at column 5, lines 3-7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Plourde, LaJoie, Gunji, and Miura to include a DVR (100) that can simultaneously record and play back video signals, and in addition allows a user to view a program as it is being recorded, as taught by Kobb, for the purpose of allowing a viewer to preview the recorded segments of a program that is in the process of being recorded.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/  
Examiner, Art Unit 2621